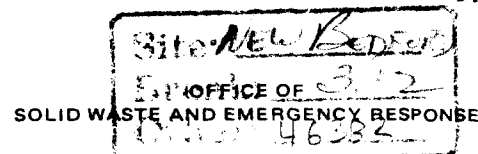




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Galt
U.S. v. AVX Original
Litigation Document

JUL 29 1983



MEMORANDUM

SUBJECT: Authorization to Proceed with a Remedial Investigation and Feasibility Study at New Bedford Harbor, New Bedford, Massachusetts -- ACTION MEMORANDUM

FROM: William N. Hedeman, Jr., Director *Bill Hedeman*
Office of Emergency and Remedial Response

TO: Lee M. Thomas, Assistant Administrator
Office of Solid Waste and Emergency Response

PURPOSE

The purpose of this Action Memorandum is to request authorization to conduct a remedial investigation and a feasibility study at New Bedford, Massachusetts. The Massachusetts Department of Environmental Quality Engineering has requested that EPA be the lead Agency for these studies.

BACKGROUND

The State of Massachusetts determined that New Bedford Harbor presented the greatest danger to public health, welfare or the environment among the known sites in Massachusetts. Therefore, the state designated New Bedford as the state's highest priority site, and it is now on the proposed National Priorities List.

Polychlorinated biphenyls (PCB's) were used by two electrical capacitor manufacturers, the Aerovox Company and Cornell-Dubilier Electric Incorporated, (the Companies), in New Bedford, Massachusetts, over a period of time spanning several decades up until the late 1970's. As a result of poor disposal practices, PCB contamination in the New Bedford area is widespread. Multi-media contamination and exposure pathways include: ambient air; surface and ground water; soils; sediments; the food chain; and industrial plant sites.

The upland parts of the site include Sullivan's Ledge and the New Bedford Landfill. These areas were owned and operated by the City of New Bedford as industrial waste disposal areas at the time of disposal, and are, therefore, subject to the 50/50 cost-sharing requirements.

The New Bedford Landfill contains an estimated 500,000 pounds of PCB wastes. It is located on the perimeter of Apponagansett Swamp which serves as a recharge area for the Town of Dartmouth's potable water supply wells. Low levels of PCB's have been detected in the ground water directly adjacent to the landfill.

Sullivan's Ledge contains an unknown amount of PCB's; however, high concentrations have been found in the soil, ground water and ambient air at this site. High concentrations of other toxic organic compounds, including vinyl chloride have also been detected in the ground water. Sullivan's Ledge is hydraulically upgradient from nearby Apponagansett Swamp.

The remaining areas of the site include the outer harbor area and the inner harbor area where PCB's were directly discharged by the companies to surface waters resulting in high concentrations in sediments (up to 190,000 ppm). PCB wastes were also indirectly discharged to the New Bedford Sewage Treatment Facility. Currently, an estimated 200 to 700 pounds per year of PCB's are being discharged from the facility's outfall and combined sewer overflow directly into Buzzards Bay. The Region I Office of Regional Counsel has requested a decision from the Office of General Counsel on the cost-sharing requirements for the harbor area. A copy of the letter requesting this decision is attached.

As a result of direct and indirect discharges of PCB's into the estuary, elevated PCB levels in fish have been reported over 5 ppm (the FDA action level). This led to a fishing ban which is imposed on over 18,000 acres of the harbor. Other adverse impacts include: potential public health and welfare effects; delaying proposed harbor development projects; delaying planned maintenance and developmental dredging projects; and loss of recreational potential of the harbor.

The Agency's first direct official involvement with the site was in May, 1982, when it entered into consent orders with the two companies to clean up their plant yards. Since that time, we have spent approximately \$350,000 under CERCLA for site investigations and preparation of the Remedial Action Master Plan (RAMP).

ENFORCEMENT

See Attachment

PROPOSED PROJECT

The remedial investigation will enable EPA to define the extent of contamination; evaluate effects on the food chain; and, at the upland sites, perform an extensive evaluation of subsurface hydrology and stratigraphy. The feasibility study will include the screening of alternatives for source control and/or off-site remedial actions in accordance with Section 300.68 of the National Contingency Plan. Detailed analyses of feasible alternatives will include the evaluation of engineering cost estimates, constructability, technical reliability and an assessment of the relative impacts on public health, welfare, and the environment.

The feasibility study will consist of two phases. Phase I will include a "fast-track" effort to address the hot-spot in the inner harbor area. There is sufficient data available to proceed immediately with this focused feasibility study. Phase II will consist of the final feasibility study which will address the remaining areas of concern, for which there is currently insufficient data to act upon.

A community relations plan has been developed that will provide the public with current information on the site. It also provides for the presentation of technical information to interested citizens, which will allow for their involvement in the selection of remedial actions.

Estimated Project Cost and Schedule

	<u>Estimated Cost</u>	<u>Duration</u>	<u>Planned Completion Date</u>
Remedial Investigation	\$1.25 M	30 weeks	1/27/84
PCB Transport/Fate model	1.50 M	98 weeks	5/18/85
Feasibility Study	\$0.65 M		
TOTAL	\$3.4 M		

The Phase I feasibility study for the hot-spot areas will take approximately 4 months to complete. The Phase II feasibility study will track with the progress of the remedial investigation, and the phasing of remedial actions will be recommended for specific areas as appropriate.

The Regional Office will formally advise the State of Massachusetts that the State will be required, if remedial action is undertaken at the site, to contribute 50 percent of the cost of the remedial investigation/feasibility studies, as well as the cost of the remedial action, at the publicly owned portions of the site. No State contribution is required until an agreement is entered into providing for such remedial action.

RECOMMENDATIONS

This request has been coordinated with the appropriate Headquarters and Regional Offices. I recommend that you authorize the remedial investigation and feasibility study at the New Bedford Harbor site. I am available to discuss this request in more detail at your convenience.

Approve 

Disapprove _____

Date 7/29/83

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 25 1983

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Authorization to Proceed with a Remedial Investigation and Feasibility Study at New Bedford Harbor, New Bedford, Massachusetts — ACTION MEMORANDUM

FROM: Kirk Sniff, Acting Associate Enforcement Counsel for Waste
Office of Enforcement Counsel - Waste (EN-329)

Fredrick A. Stetzel
for

TO: William N. Hedeman, Jr., Director
Office of Emergency and Remedial Response (WH-548)

The Action Memorandum from your office has been reviewed by my staff.

I concur

✓

I do not concur

I concur with the attached conditions

Date

7/26/83

Comments:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Authorization to Proceed with a Remedial Investigation
and Feasibility Study at New Bedford Harbor, New Bedford,
Massachusetts — ACTION MEMORANDUM

FROM: Gene Lucero, Director *Gene Lucero*
Office of Waste Program Enforcement (WH-527)

TO: William N. Hedeman, Jr., Director
Office of Emergency and Remedial Response (WH-548)

The Action Memorandum from your office has been reviewed by my staff.

I concur X

I do not concur _____

I concur with the attached conditions _____

Date 7/28/83

Comments:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 28 1983

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Authorization to Proceed with a Remedial Investigation and Feasibility Study at New Bedford Harbor, New Bedford, Massachusetts — ACTION MEMORANDUM

FROM: Lisa K. Friedman, Associate General Counsel *LKF*
Solid Waste and Emergency Response Division (A-131)

TO: William N. Hedeman, Jr. Director
Office of Emergency and Remedial Response (WH-548)

The Action Memorandum from your office has been reviewed by my staff.

I concur _____

I do not concur _____

I concur with the attached conditions *✓* _____

Date July 28, 1983

Comments:

Please make changes noted on pgs. 1 and 4.

*Dane.
CJM
7/2*